

PE JC10 EB
 MAY 14 2002
 PATENT & TRADEMARK OFFICE

#14/c
gnd

RECEIVED
MAY 21 2002
TECH CENTER 1600/2900

Applicant: Steward et al.)	Examiner: Nolan, P.
)	
Serial No. 09/548,409)	Group Art Unit: 1644
)	
Filed: April 13, 2000)	
)	
For: METHODS AND COMPOSITONS)	
FOR THE TREATMENT OF PANCREATITIS)	
)	
)	
)	

Copy of
Paper #11

Sir:

On November 6, 2001 Applicants received a Notice to Comply having a mailing date of October 31, 2001, having a one month shortened statutory period for response. The Notice stated that the application as filed failed to conform to the requirements of 37 CFR 1.821-1.825, and alleged that the computer readable form of the sequence listing (CRF) was damaged or unreadable. On November 14, 2001 Applicants submitted a Reply to Notice to Comply, Amendment of Sequence Listing, and Statement under 37 CFR 1.825, as well as a substitute CRF. This Reply contained a Certificate of Mailing signed by the undersigned's secretary, Bonnie Ferguson.

Applicants received the accompanying self addressed postcard on January 28; this postcard was dated January 16, 2002, two months later that the actual filing date.

On April 23, 2002 Applicants received a communication from Examiner Nolan indicating that the date: 06/04/2002 GDUCKETT
institute 0000000741085 page 95488 CRF Diskette Damage Report acknowledged that the CRF may have become damaged by the treatment given all incoming mail. The communication stated that an extension of time under 37 CFR §1.136 was necessary. This equates to a fee for a 5 month extension of time being necessary (\$1,890.00) , despite Applicants' response to the original Notice to Comply well within the original one month time period.

Adjustment date: 06/04/2002 GDUCKETT
05/21/2002 substitute 00000001 was changed 00540000
01 FC:128 1960.00 CR

05/21/2002 HNDOR1 00000000 010085 09340/10
01 FC:128 1960.00 CH

Although Applicants have never had a problem with the submission of damaged diskettes in the past, Applicants acknowledge that such occurrences can happen, and cannot total rule out the possibility that the diskette was defective when sent. However, Applicants' delay in responding to any defect in their last submission was obviously caused by a) a two month delay by the Office in the entry of the reply, and b) a subsequent three month delay by the Office in communicating with the Applicant regarding any defect in the submission. Copies of the documents referenced above, as well as a fully responsive Reply to the most recent communication, are provided herewith.

Applicants therefore respectfully petition the Commissioner for a refund of all but the cost of a two month extension of time to respond to the Notice to Comply. The two month time period is thought to be reasonable enough time for the Office to have received the November 14, 2001 communication, mailed an additional communication to the Applicants, and for the Applicants to have responded thereto.

As this Petition is being filed under 37 CFR § 1.181, no fee is thought to be due in connection herewith. However if Applicants are in error please use Deposit Account 01-0885 for the payment of any fee, or for the credit of any refund, regarding this petition.

Respectfully Submitted,

ALLERGAN

Date:

4/13/02

Signature:

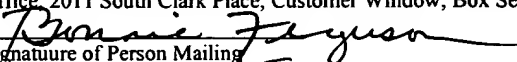


Carlos A. Fisher
Registration No. 36,510

Certificate of Mailing

I hereby certify that this correspondence (along with anything referred to as being attached or enclosed herewith) is being deposited on the date indicated below with the U.S. Postal Service as Express Mail (Label No. EL897834228US) addressed to the U.S. Patent and Trademark Office, 2011 South Clark Place, Customer Window, Box Sequence, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202

Signature of Person Mailing



Printed Name

Bonnie Ferguson

Date of Mailing

5/13/2002